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Name of Court:

UNITED STATES DISTRICT COURT  
2004 MAR 12 P 4:55 DISTRICT OF NEW JERSEY

Title of Action: UNITED STATES  
DISTRICT COURT

Andrew Policastro, Pro Se  
Plaintiff

Civil Action No. 04-1219(JAP)

-vs.-

Dr. Theodora P. Kontogiannis, Principal  
Tenaflly High School  
and  
Tenaflly Board of Education  
Defendants

### PARTIES

Andrew Policastro  
59 Day Avenue  
Tenaflly, NJ 07670

Dr. Theodora P. Kontogiannis, Principal  
Tenaflly High School  
19 Columbus Drive  
Tenaflly, NJ 07670

Tenaflly Board of Education  
500 Tenaflly Road  
Tenaflly, NJ 07670

### JURISDICTION

1. Jurisdiction founded on the existence of a federal question under Section 1331 of Title 28 of the United States Code. The action arises under the First Amendment to the Constitution of the United States.
2. Jurisdiction founded on the existence of a civil action for deprivation of rights under Section 1983 of Title 42 of the United States Code. The action arises under the First Amendment to the Constitution of the United States.
3. This court has original jurisdiction under section 1331 of Title 28 and section 1983 of Title 42 of the United States Code.
4. Jurisdiction under the First Amendment to the Constitution of the United States.
5. All parties in this case reside in Bergen County, part of this District. All events occurred in Bergen County, part of this District.

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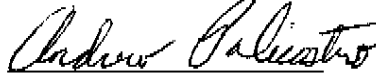
**CAUSE OF ACTION**

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6. During the morning of March 13, 2002, a memo(Questions for the Tenaflly Negotiation Team), signed by thirteen teachers, was placed in the teachers' mailboxes and was removed by, or under the authority of, Dr. Kontogiannis, Principal of Tenaflly High School.
7. The memo was again placed back in the mailboxes and was again removed by, or under the authority of, Dr. Kontogiannis. The mailroom was then locked for the rest of the school day.
8. March 13, 2002 was ratification day for the teachers' contract. The ratification vote occurred after school in the Tenaflly High School auditorium.
9. As one of the teachers' who signed the memo it is my belief that my First Amendment rights were violated.
10. The teacher mailboxes at Tenaflly High School are used for personal messages, holiday cards, birthday cards, gifts, fliers from local merchants, memos from teachers, notes from teachers, notes from parents, notes from students, U.S. mail, union information and administrative concerns.

**DEMAND**

11. Any administrative manual for teachers, teacher manual, teacher contract, school policy, board policy or administrative directive that requires administrative permission, prior approval or acknowledgement of items placed in the mailboxes by a Tenaflly public school teacher(s) be deemed unconstitutional, as those mailboxes are otherwise available to teachers for their personal messages.
12. Any section of an administrative manual for teachers, teacher manual, teacher contract, school policy, board policy or administrative directive that requires administrative permission, prior approval or acknowledgement of items placed in the mailboxes by a Tenaflly public school teacher(s) be removed from respective documents or directive, as those mailboxes are otherwise available to teachers for their personal messages.
13. The removal of memos(Tenaflly public school teacher to Tenaflly public school teacher) or the removal of any form of communication(Tenaflly public school teacher to Tenaflly public school teacher) from teachers' mailboxes be deemed unconstitutional, as those mailboxes are otherwise available to teachers for their personal messages.
14. All internal and external emails(Tenaflly public school teacher to Tenaflly public school teacher) be allowed, as the internal school email system is otherwise available to teachers for their personal messages.
15. Teachers employed in the Tenaflly public schools be allowed the use of school media facilities in the Tenaflly public schools, as those media facilities are otherwise available to teachers for their personal messages.

  
Andrew Policastro